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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,878	10/18/2001	Michael Eugene Willcox	RCA89524	6039
7590	11/16/2005			
Joseph S Tripoli Thomson Multimedia Licensing Inc PO Box 5312 Princeton, NJ 08543-5312			EXAMINER CHANG, SHIRLEY	
			ART UNIT 2614	PAPER NUMBER

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/030,878	WILLCOX, MICHAEL EUGENE	
	Examiner	Art Unit	
	Shirley Chang	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/18/01</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 1-9 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lazar (6477508) in view of Stautner et al. (6172677).

As to claim 1,

Lazar discloses:

A method of remote shopping in a video system, said method comprising: receiving a television signal comprising auxiliary data associated with said television signal [6, 49-60].

sending pre-stored user information in the memory to the order center after establishment of the data connection for the purchase of the product or service [10, 29-45].

Lazar does not specifically disclose displaying in the video system a selectable purchase initiation icon for the purchase of the product or service associated with said television signal in response to at least a portion of the auxiliary data; selecting the

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purchase initiation icon to initiate the purchase of the product or service; and establishing a data connection between the video system and an order center for the product or service. Stautner discloses: displaying in the video system a selectable purchase initiation icon for the purchase of the product or service associated with said television signal in response to at least a portion of the auxiliary data; selecting the purchase initiation icon to initiate the purchase of the product or service; establishing a data connection between the video system and an order center for the product or service (fig. 2; [6, 49-60]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lazar with Stautner so as to allow the user an integrated method for searching and finding content of interest ([2, 64-67] to [3, 1-4]).

As to claim 2,

Lazar discloses:

the step of establishing a voice connection between the user and an agent of the order center [10, 29-45].

As to claim 3,

Stautner discloses:

the step of establishing a data connection between the video system and an order center upon selection of the purchase initiation icon is accomplished with one of a modem, a two-way pager and a cell phone (fig. 2; [6, 49-60]; [7, 1-10]).

As to claim 4, Lazar discloses:

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the step of showing a selectable purchase initiation icon along with the advertisement on the display in response to at least a portion of the auxiliary data is accomplished with an on-screen display unit (fig. 2; [6, 49-60]).

As to claim 5, Lazar discloses:

the step of permitting a user to select the purchase initiation icon to initiate purchase of a product or service in response to viewing the advertisement on the display is accomplished utilizing a remote controller of said video system (fig. 2; [6, 49-60]; [4, 54-56]).

As to claim 6,

Lazar discloses: sending of the user information [10, 29-49].

Stautner discloses: the step of: showing status of the purchase of the product or service on the display during purchase initiation (fig. 2; the user may check the "check to buy" boxes in element 70, which thereby 'shows the status' of whether the item is being considered for purchase [5, 15-36]).

As to claim 7,

Although Lazar in view of Stautner does not specifically disclose muting audio of the television upon establishment of the voice connection between the user and the agent of the order center, the examiner gives Official Notice that it is notoriously well known in the art to mute audio of the television. Accordingly, it would have been clearly obvious to one of ordinary skill in the art to modify the Lazar in view of Stautner to mute audio of the television upon establishment of the voice connection between the user and the agent of the order center, so as to allow the user to better clearly hear the operator

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during the transaction. These concepts are well known in the art and do not constitute a patentably distinct limitation, per se [M.P.E.P. 2144.03].

As to claim 8,

Lazar discloses:

A television operable to provide remote shopping comprising:

- a) a selector operable to receive a television signal having an advertisement for a product or service and associated auxiliary information (fig. 1, elements 202, 206, 208; [10, 9-29]);
 - b) a processing unit (not shown in fig. 1B, microprocessor; [11, 20-36]);
 - c) a display operable to show the television signal and the advertisement (fig. 1, element 208; [10, 9-29]);
 - f) communication means operable to establish a data connection, download information, and establish a voice connection [10, 29-47];
 - g) memory in communication with said processing unit said memory containing user information entered during a set-up mode (memory (also not shown in FIG. 1B) of the Remote Unit [11, 20-36]; [12, 22-40]),
- 2) the communication means to download the user information upon establishment of a data connection between the television and an order location [10, 29-47];
- 3) the communication means to establish a voice connection between the user and an agent of the order location upon completion of the downloading of the user information [10, 29-47].

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Although Lazar does not specifically disclose a 'selectable initiate purchase icon,' Stautner discloses:

d) an on-screen display unit operable to produce a selectable initiate purchase icon on the display for the purchase of the product or service of the advertisement in response to the auxiliary information and in conjunction with the advertisement (fig. 2; [6, 49-60]);

e) a control system operable to allow a user to select the initiate purchase icon (fig. 2; [6, 49-60]);

and a plurality of instructions which, when executed by the processing unit causes:

1) the communication means to establish the data connection between the television and a remote order location upon the user selecting the initiate purchase icon to initiate a purchase transaction for the product or service of the advertisement (fig. 2; [6, 49-60]).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lazar with Stautner so as to allow the user an integrated method for searching and finding content of interest ([2, 64-67] to [3, 1-4]).

As to claim 9, Lazar discloses:

Although Lazar in view of Stautner does not specifically disclose the memory contains further instructions which, when executed by the processing unit, causes audio of the television to mute upon establishment of the voice connection, the examiner gives

Official Notice that it is notoriously well known in the art to utilize memory which

contains further instructions which, when executed by the processing unit, causes audio

of the television to mute. Accordingly, it would have been clearly obvious to one of ordinary skill in the art to modify the Lazar in view of Stautner utilize the memory which contains further instructions which, when executed by the processing unit, causes audio of the television to mute upon establishment of the voice connection, so as to allow the user to better clearly hear the operator during the transaction. These concepts are well known in the art and do not constitute a patentably distinct limitation, per se [M.P.E.P. 2144.03].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- Dunn (6584613) is directed toward simplified TV viewer response.
- Palmer (6477508) is directed toward automatically accessing online services.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC



PATENT EXAMINER
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